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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,116	03/26/2004	Boris Kalinichenko	08575-110001	9217
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EXAMINER				
OUELLETTE, JONATHAN P				
ART UNIT		PAPER NUMBER		
3629				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/811,116

**Applicant(s)**

KALINICHENKO ET AL.

**Examiner**

Jonathan Ouellette

**Art Unit**

3629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Claim 16 has been cancelled; therefore, Claims 1-15 and 17-20 are currently pending in application 10/811,116.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4, 14, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz (US 2002/0095326 A1).**
4. As per **independent Claim 1**, Katz discloses a method comprising: transmitting to a customer or a driver a *graphical representation (can be considered a written or drawn symbol to relay meaning – such as displayed text)* to facilitate execution of a reservation of a transportation service to be provided to the customer by the driver (Fig.1, Para 0023-0032).
5. As per Claim 2, Katz discloses selecting a reservation associated with the customer; and associating the driver with the reservation (Fig.1, Para 0023-0032).

6. As per Claim 3, Katz discloses in which transmitting the graphical representation comprises transmitting the graphical representation in response to a time associated with the reservation (Fig.1, Para 0023-0032).
7. As per Claim 4, Katz discloses in which transmitting the graphical representation comprises transmitting the graphical representation to a wireless handheld device (Fig.1, Para 0023-0032).
8. As per **independent Claim 14**, Katz discloses a system comprising: a computing device adapted to: select a reservation with an associated customer and an associated driver; and transmit a *graphical representation (can be considered a written or drawn symbol to relay meaning – such as displayed text)* to the associated customer or the associated driver (Fig.1, Para 0023-0032).
9. As per Claim 15, Katz discloses a data communication channel through the computing device, the data communication channel linking a first wireless handheld device associated with the customer and a second wireless handheld device associated with the driver (Fig.1, Para 0023-0032).
10. As per **independent Claim 17**, Katz discloses a computer program product, tangibly embodied in an information carrier, the computer program product comprising instructions operable to cause data processing apparatus to transmit to a customer or a driver a *graphical representation (can be considered a written or drawn symbol to relay meaning – such as displayed text)* to facilitate execution of a reservation of a transportation service to be provided to the customer by the driver (Fig.1, Para 0023-0032).

11. As per Claim 18, Katz discloses wherein the instructions are further operable to cause the data processing apparatus to select a reservation associated with the customer and to associate the driver with the reservation (Fig.1, Para 0023-0032).
12. As per Claim 19, Katz discloses wherein the instructions are further operable to cause the data processing apparatus to confirm that the driver and the customer do not require any additional information to facilitate execution of the reservation (Fig.1, Para 0023-0032).
13. As per Claim 20, Katz discloses wherein the instructions are further operable to cause a customer service representative to contact the passenger and assist the passenger with execution of a reservation (Fig.1, Para 0023-0032).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
16. **Claims 5-7, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz.**
17. As per Claims 5-7, 12, and 13, Although Katz does disclose providing the user and driver information through a graphical display which provides detailed information regarding a transportation service, to include pick-up drop off information, and the identity or description of the vehicle (Para 0023-0032), Katz fails to expressly disclose discloses in which the graphical representation comprises a photograph of the driver associated with

the reservation, a photograph of the customer associated with the reservation, comprises a photograph of a vehicle, including the license plate, associated with the reservation, a text message from the customer, and/or a text message from the driver.

18. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The transportation reservation system/method would be performed regardless of the type of graphical representation displayed to the users. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented the users with a graphical representation comprising a photograph of the driver associated with the reservation, a photograph of the customer associated with the reservation, comprises a photograph of a vehicle, including the license plate, associated with the reservation, a text message from the customer, and/or a text message from the driver, because such data (*simply displaying data to a user – with no dependent steps based on the display of the data*) does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

20. As per Claim 10, while Katz does disclose a system which provides reservation information for a plurality of pick-up location possibilities (Para 0023-0032), Katz fails to expressly disclose wherein the pick-up location comprises a location in an airport.

21. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The transportation reservation system/method would be performed regardless of the pick-up location. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented the users with a possible pick-up location that included an airport, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
- 23. Claims 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Coffee et al. (US 2006/0182055 A1).**
24. As per Claim 8, Katz fails to expressly disclose in which the graphical representation comprises a map associated with the reservation.
25. However, Katz does disclose providing pick-up location information to the driver through a hand-held device, approximate pick-up time to the customer, and tracking detailed GPS information regarding the vehicle (Para 0023-0032).
26. Furthermore, Coffee discloses a system which provides drivers/customers with details navigation information through a hand-help device to include maps and map navigation (Para 0011, 0338, 0349, 0359).

27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included graphical representation comprises a map and directions associated with the reservation, as disclosed by Coffee in the system disclosed by Katz, for the advantage of providing a method of transportation reservation, with the ability to provide all users with appropriate detail for most efficiently and effectively completing the transportation transaction (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).
28. As per Claim 9, Katz and Coffee disclose in which the map comprises a pick-up location associated with the reservation (See rejection of Claim 8).
29. As per Claim 11, Katz and Coffee disclose in which the map comprises directions from a location associated with the customer to a location associated with the driver (See rejection of Claim 8).

***Response to Arguments***

30. Applicant's arguments filed on 9/23/2008, with respect to Claims 1-15 and 17-20, have been considered but are not persuasive. The rejection will remain as FINAL, based on the cited prior art.
31. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32. The Applicant's arguments are addressed in the clarified rejection above.

### *Conclusion*

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

December 29, 2008

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

